

REMARKS

Amendments to Claims, Drawings and Specification

Independent Claim 60 has been amended to recite "*each flange having an out-turned terminal lip to guide passage of the spacer element into the recess*", as was previously recited by Claim 66, which has subsequently been made redundant and has been canceled. Independent Claim 69 has been similarly amended.

Dependent Claim 74 has been added to further clarify that "*the out-turned terminal lips define a lead-in path for aligning a tongue of the spacer element*". This limitation is supported by the specification at page 10 lines 20-24.

Dependent Claim 75 has been added, reciting that "*the out-turned terminal lips define a widening of the recess*". This limitation can be clearly seen at least in FIG. 10(a).

FIG. 9 has been amended so that each variation is now shown in a separate figure view, and dimension units are also now shown. FIGS. 10-17 have been amended so that each view number is preceded with the abbreviation "Fig." Accordingly, replacement sheets for drawing pages 7-15, showing the aforementioned amended figures, have been appended to this paper.

The specification has been amended in several locations to ensure the figure numbers appearing in the description align with the amended numbering of the figures.

The Applicant respectfully submits that no new matter has been added by these amendments.

Information Disclosure Statement

The Examiner has noted that the listing of references in the specification and Search Report are not proper information disclosure statements. Accordingly, the Applicant has concurrently filed an appropriate Information Disclosure Statement listing all of the references cited in the specification and Search Report.

Drawings

The Examiner has objected to Fig. 9, asserting that variations of the panel should be shown in separate figures, and that it is difficult to ascertain the difference between reference numerals and dimensions. To address this objection, the Applicant has amended Figure 9 so that

each variation is shown in a separately identified figure view, and dimension units have also been incorporated.

The Examiner has also objected to Figs. 10-17, asserting that the different views must be numbered in consecutive Arabic numerals and each view number must be preceded by the abbreviation "Fig.". The Applicant has corrected Figs. 10-17 accordingly.

It is therefore respectfully submitted that all drawing objections have been addressed.

Claim Rejections – 35 USC § 102

Claims 60-61, 63 and 65-68 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by Durbin (U.S. Patent No. 4,254,932). Claims 60-64, 67 and 69-73 have been similarly rejected by Dunn et al. (U.S. Publication No. 2002/0124508), and Claims 60-64 and 66-68 have been similarly rejected by Spera (U.S. Patent No. 5,233,807).

With respect to the rejection of Claims 60-61, 63 and 65-68, the Examiner asserts that such claims are anticipated by Durbin by referencing the beam component cross section shown in Figure 3 therein.

The Examiner has asserted that Durbin shows the limitations of the independent Claim 60. Specifically, the Examiner has asserted that the internal wall (22) shown in Figure 3 is equivalent to "*a head formed as a strip adapted to be bonded and/or fastened to an inner face of a panel facing sheet*" as claimed. The Applicant respectfully submits that this is clearly not the case. The Applicant respectfully submits that a skilled person, upon viewing Figure 3 of Durbin, would not recognize the internal wall (22) in Figure 3 as being "*adapted to be bonded and/or fastened to an inner face of a panel facing sheet*", because no flat surface of that feature would be accessible for mating the internal wall (22) to the surface of a panel facing sheet.

The Examiner has also asserted that the channel (32) of Durbin is equivalent to the claimed recess capable of allowing passage of a suitably dimensioned spacer element, "*wherein the passage of the spacer element into the recess deforms the flanges and causes the inwardly directed teeth to engage the spacer element*". Durbin describes the channel (32) as a bolt holding channel, adapted to receive a bolt that is inserted by sliding the bolt head along the length of the channel (32) from an open end. The inwardly turned flanges (37) are adapted to form a slot (34)

through which the bolt shaft protrudes, the bolt head being prevented from falling out of the channel by the inwardly turned flanges (37).

The Applicant submits that if a suitably dimensioned spacer element was to be directly inserted into the channel of Durbin as described in Claim 60, it would be the inwardly turned flanges (37), interpreted by the examiner as being equivalent to teeth, that would deflect, and not the pair of flanges that the Examiner has identified as feature "A" in the Office Action.

In light of the above, the Applicant respectfully submits that a skilled person, upon consulting Durbin, would have concluded that the recess would not be capable of allowing passage of a suitably dimensioned spacer element, "*wherein the passage of a suitably dimensioned spacer element into the recess deforms the flanges and causes the inwardly directed teeth to engage the spacer element*". Therefore, the Applicant respectfully submits that Durbin does not anticipate Claim 60.

With respect to the rejection of Claims 60-64, 67 and 69-73, the Examiner asserts that such claims are anticipated by Dunn et al. by referencing a perspective view of a stud shown in Figure 3A therein.

In the rejection of Claim 60 in light of Dunn et al., the Examiner has interpreted the flange (41) as "*a head formed as a strip capable of being bonded and/or fastened to an inner face of a panel facing sheet*". The Examiner has subsequently asserted that the pair of flanges (identified as feature "B" in the Office Action) is equivalent to "*a pair of spaced, opposed flanges formed along and extending away from a central portion of the head*" as recited in Claim 60, and that the groove (42) represents the recess defined by the flanges (B).

However, the Applicant respectfully submits that it is apparent that the flanges (B) in Dunn et al. are not "*formed along and extending away from a central portion of the head*". Instead, Dunn et al. shows a web member (43) extending between the flange (41) and the groove (42) to interconnect the flange and the groove. As a result, the flanges (B) of Dunn et al. are in fact formed along and extending away from an internal wall connected to one end of the web member, and not to the flange (41) which has been interpreted as the head. Therefore, the Applicant respectfully submits that Dunn et al. does not show "*a pair of spaced, opposed flanges formed along and extending away from a central portion of the head*" as recited in Claim 60.

The Examiner has also asserted that the groove (42) formed between the flanges (B) is equivalent to the claimed recess, and that the inwardly turned flanges that are in closest proximity at the entrance to the groove (identified as "inwardly turned flanges" in the Office Action) have been interpreted as "*inwardly directed teeth for engagement of a spacer element*".

However, the Applicant submits that it would have been readily apparent to a skilled person, upon consulting Figure 3A and the description of Dunn et al., that no "*inwardly directed teeth*" are present in the groove (42), and that the "inwardly turned flanges" identified by the Examiner would not be intended "*for engagement of a spacer element*". Instead, Dunn et al. describes sliding a tongue on a spreader into the groove from one end, without requiring any deformation of the flanges. Therefore, we respectfully submit that a person skilled in the art would not have recognized the "inwardly turned flanges" as "*inwardly directed teeth for engagement of a spacer element*" and would have subsequently concluded that the structure disclosed by Dunn et al. does not anticipate the limitations of Claim 60.

With respect to the rejection of Claims 60-64 and 66-68 as being anticipated by Spera, the Applicant notes that the embodiments shown in the Figures of Spera are relatively complex beam structures, and the Examiner has selectively referred to portions of the structures in asserting the equivalence of features.

Referring to Figure 3, the Examiner has rejected Claim 60, referring to an intermediate web (16) as being equivalent to "*a head formed as a strip capable of being bonded and/or fastened to an inner face of a panel facing sheet*" as described in Claim 60. The Applicant respectfully submits that the intermediate web (16) is not "*capable of being bonded and/or fastened to an inner face of a panel facing sheet*", because no flat surface of that feature would be accessible for mating the intermediate web to the surface of a panel facing sheet, and therefore Spera does not show the head limitation as claimed.

Furthermore, the Examiner has identified the two side wall portions (274) as being equivalent to "*a pair of spaced, opposed flanges formed along and extending away from a central portion of the head*" of Claim 60, however, it is clear that these features extend from an inner wall portion (272) which itself is connected to an end of a second web (18), which extends perpendicularly from the intermediate web (16). The Applicant respectfully submits that the flanges are not "*formed along and extending away from a central portion of the head*" as

required by Claim 60, because there is additional structure located between the structures identified as being equivalent to the flanges and the head.

The feature identified by the Examiner as equivalent to the recess is described by Spera as a bolt holding channel (20). The configuration shown in Spera is similar to Durbin in respect of it having a bolt holding channel, and therefore similar arguments apply. The Applicant submits that a skilled person would have concluded that the "inwardly extending protrusions", which the Examiner has interpreted as teeth, are clearly not "*inwardly directed teeth for engagement of a spacer element*", but are instead adapted to retain a bolt head in place, as described in column 8 lines 3-15. Therefore, the Applicant respectfully submits that a skilled person, upon consulting Spera, would conclude that the arrangement shown therein does not anticipate Claim 60.

In light of the above, the Applicant respectfully submits that none of Durbin, Dunn et al. and Spera disclose the combination of originally-filed Claim 60 and therefore originally-filed Claim 60 is novel and nonobvious.

Notwithstanding the foregoing, Claim 60 has been amended to incorporate the limitation of the dependent Claim 66 which requires that "*each flange has an out-turned terminal lip to guide passage of the spacer element into the recess*" in an effort to further prosecution. Claim 66 has subsequently been made redundant and has been canceled.

Although the Examiner has rejected Claim 66 as being anticipated by Durbin, Dunn et al. and Spera, the Applicant submits that Claim 60 as amended to include the limitation of former Claim 66 is novel and nonobvious over the prior art for the following reasons. In this regard, the Applicant submits that each of the outwardly turned portions of the flanges (38) in Durbin are clearly not "*an out-turned terminal lip to guide the passage of a spacer element into the recess*", as they project perpendicularly to the direction from which a spacer would enter the channel, and would therefore be no more likely to "*guide the passage of a spacer element*" into the channel, than to guide the passage of a spacer element away from the channel.

Furthermore, the inwardly turned flanges (37) extend inwardly across the channel (32) along the same plane as the outwardly turned portions of the flanges (38) such that the respective flanges collectively form a flat face obscuring the channel (32), except for a narrow slot (34) allowing a bolt shaft to protrude from the channel (32). Therefore, the Applicant respectfully

submits that a skilled person would conclude that the structure shown in Durbin clearly does not act to "*guide passage of a spacer element into the recess*", but would actually act to impede the passage of a spacer into the channel (32). Accordingly, the Applicant respectfully submits that Durbin does not anticipate Claim 66.

The Examiner has also asserts that Dunn et al. discloses the limitation of former Claim 66. In this regard, the Examiner has interpreted the end portions of the flanges at the opening of the groove (42) of Dunn et al., identified as feature "C" in the Office Action, as being equivalent to the claimed "*out-turned terminal lip to guide the passage of a spacer element into the recess*" now called for in amended Claim 60.

As a result, the Applicant submits that the end portions of the flanges (C) and the feature of Dunn et al. previously identified by the Examiner as the "inwardly turned flanges" in the rejection of Claim 60 both refer to the same structural element. Accordingly, the Examiner has therefore asserted that the same structural element represents both "*inwardly directed teeth for engagement of a spacer element*" and "*out-turned terminal lip to guide the passage of a spacer element into the recess*".

The Applicant respectfully submits that a single structural element (i.e. feature "C") of Dunn et al. cannot simultaneously function as both "*inwardly directed teeth for engagement of a spacer element*" and "*out-turned terminal lip to guide the passage of a spacer element into the recess*", because it is not possible for a structural element to be both "*inwardly directed*" and "*out-turned*". Therefore, if such structural element is found by the Examiner to be equivalent to the "*inwardly directed teeth*", then the "*out-turned terminal lip*" feature is not shown in Dunn et al., or vice-versa.

Moreover, the ends of the flanges at the opening of the groove (42) extend in the direction from which a spacer element would be inserted into the groove, and therefore could not act "*to guide passage of the spacer element into the recess*", as required by Claim 66. The Applicant respectfully submits that it would be readily apparent to a person skilled in the art that the end portions of the flanges (C) do not represent an "*out-turned terminal lip to guide the passage of a spacer element into the recess*" as claimed, because they actually restrict the opening into the groove rather than being capable of guiding the passage of a spacer element. If a skilled person attempted to insert a spacer element into the groove, the spacer could easily miss

the groove to either side of the end portions of the flanges (C). Therefore, the Applicant respectfully submits that the limitations of Claim 66 are not shown in Dunn et al.

The Examiner has also asserts that Spera discloses the "*out-turned terminal lips to guide the passage of a spacer element into the recess*" of former Claim 66. Spera discloses coplanar flanges (276) which define the abutment surfaces (24) of the attachment means (22). The coplanar flanges (276) form a flat surface with a restricted opening into the channel (20), and it is therefore respectfully submitted that a person skilled in the art would conclude that these flanges clearly would not act to "*guide the passage of a spacer element into the recess*". The Applicant submits that the arrangement shown in Spera would be no more likely to guide a spacer into the channel as to guide a spacer away from the channel. Therefore, the Applicant respectfully submits that Spera does not anticipate Claim 66.

In light of the above, the Applicant respectfully submits that none of Durbin, Dunn et al. and Spera disclose the limitation of former Claim 66, and accordingly none of such references disclose such limitation now incorporated into the amended Claim 60. Therefore, the Applicant submits that the amended Claim 60 is novel and inventive.

Claims 61-65, 67-68 and new Claims 74-75 depend from Claim 60 and are patentable for the same reasons as Claim 60 and by reason of the additional limitations called for therein. For example, Claim 74 is additionally patentable by providing that the out-turned terminal lips define a lead-in path for aligning a tongue of the spacer element and Claim 75 is additionally patentable by providing that the out-turned terminal lips define a widening of the recess. Each of the combinations of new Claims 74 and 75 allows for the insertion of a spacer element into the recess to be greatly simplified. It is submitted that none of the prior art citations show "*out-turned terminal lips*" that "*define a lead-in path for aligning a tongue of the spacer element*", or "*define a widening of the recess*". Accordingly, the Applicant respectfully submits that the limitations of newly added dependent Claims 74 and 75 are also novel and nonobvious.

Independent Claim 69 has also been amended to incorporate similar restrictions as called for in Claim 60 and is patentable for reasons similar to Claim 60.

Claims 70-73 depend from Claim 69 and are patentable for the same reasons as Claim 69 and by reason of the additional limitations called for therein.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

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